

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY MARTENS,

Defendant.

)
)
)
)
)
)
)
)
)

8:06CR275

ORDER

This matter is before the court on the motion to continue by defendant Larry Martens (Martens) (Filing No. 17). Martens seeks a continuance of the trial of this matter for at least thirty days. Martens's counsel represents that counsel for the government has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Martens's motion to continue trial (Filing No. 17) is granted.
2. Trial of this matter is re-scheduled for **November 20, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 20, 2006 and November 20, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 20th day of October, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge